

STATE PLAN FOR THE STATE VOCATIONAL REHABILITATION SERVICES PROGRAM
AND
STATE PLAN SUPPLEMENT FOR THE STATE SUPPORTED EMPLOYMENT SERVICES PROGRAM
FISCAL YEARS 1998-2000

STATE: _____

AGENCY: _____

AGENCY TYPE: GENERAL_____BLIND_____COMBINED_____

SECTION 1: LEGAL BASIS AND STATE CERTIFICATIONS

- 1.1 The _____ (name of designated State agency or designated State unit) is authorized to submit this State plan under title I of the Rehabilitation Act of 1973, as amended¹ and its supplement under title VI, part C of the Act.²
- 1.2 As a condition for the receipt of Federal funds under title I of the Act for vocational rehabilitation services, the _____ (name of the designated State agency)³ agrees to operate and administer the State Vocational Rehabilitation Services Program in accordance with the provisions of this State plan⁴, the Act, and all applicable regulations⁵, policies, and procedures established by the Secretary.
- 1.3 As a condition for the receipt of Federal funds under title VI, part C of the Act for supported employment services, the _____ (name of designated State unit)⁶ agrees to operate and administer the State Supported Employment Services Program in accordance with the provisions of the supplement to this State plan⁷, the Act, and all applicable regulations⁸, policies, and procedures established by the Secretary.
- 1.4 The designated State agency and/or the designated State unit has the authority under State law to perform the functions of the State regarding this State plan and its supplement.

- 1.5 The State legally may carry out each provision of the State plan and its supplement.
- 1.6 All provisions of the State plan and its supplement are consistent with State law.
- 1.7 The _____ (title of State officer) has the authority under State law to receive, hold, and disburse Federal funds made available under this State plan and its supplement.
- 1.8 The _____ (title of State officer) has the authority to submit this State plan for vocational rehabilitation services and the State plan supplement for supported employment services.
- 1.9 The agency that submits this State plan and its supplement has adopted or otherwise formally approved the plan and its supplement.
- 1.10 The effective date of this State plan and its supplement is _____.

(Signature)

(Typed Name of Signatory)

(Date)

(Title)

- ¹ Public Law 93-112, as amended by Public Laws 93-516, 95-602, 98-221, 99-506, 100-630, 102-569, and 103-073.
- ² Unless otherwise stated, "Act" means the Rehabilitation Act of 1973, as amended.
- ³ All references in this plan to "designated State agency" or to "the State agency" relate to the agency identified in this paragraph.
- ⁴ No funds under title I of the Act may be awarded without an approved State plan in accordance with section 101(a) of the Act and 34 CFR part 361.

- ⁵ Applicable regulations include the Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 76, 77, 79, 80, 81, 82, 85, and 86 and the State Vocational Rehabilitation Services Program regulations in 34 CFR part 361.
- ⁶ All references in this State plan and its supplement to "designated State unit" relate to the agency identified in this paragraph.
- ⁷ No funds under title VI, part C of the Act may be awarded without an approved supplement to the title I State plan in accordance with section 635(a) of the Act.
- ⁸ Applicable regulations include the EDGAR citations in footnote 5, 34 CFR Part 361, and 34 CFR part 363.

SECTION 2: DEVELOPMENT OF THE STATE PLAN AND ITS SUPPLEMENT

2.1 Public participation requirements. (Section 101(a)(23) of the Act; 34 CFR 361.20(a) and 363.11(g)(9))

- (a) The State unit conducts public meetings throughout the State to provide all segments of the public, including interested groups, organizations, and individuals, an opportunity to comment on the State plan and its supplement prior to their development and to comment on any revisions to the State plan and its supplement.
- (b) Prior to conducting the public meetings, the State unit provides appropriate and sufficient notice throughout the State of the meetings in accordance with State law governing public meetings or, in the absence of such State law, in accordance with procedures developed by the State unit in consultation with the State Rehabilitation Advisory Council, if the State unit has a Council.

2.2 Special consultation requirements. (Sections 101(a)(20) and (23) of the Act; 34 CFR 361.20(b))

The State unit consults in the development and revision of the State plan and its supplement with the Client Assistance Program director, the State Rehabilitation Advisory Council, if the State unit has a Council, and, as appropriate, those Indian tribes, tribal organizations, and native Hawaiian organizations that represent significant numbers of individuals with disabilities within the State.

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2.3 Summary of public comments. (Section 101(a)(23) of the Act; 34 CFR 361.20(c) and 363.11(g)(9))

Attachment 2.3 summarizes the public comments on the State plan and its supplement, including comments on revisions to the State plan and its supplement, and the State unit's response to those comments.

2.4 State review process. (34 CFR Part 79)

If the State plan, its supplement, or amendment to the State plan is subject to the State review process, such materials are reviewed and commented on in accordance with the provisions of Executive Order 12372, and comments provided by the State review process are transmitted to the Rehabilitation Services Administration.

This State plan and its supplement are subject to the State review process.

Yes _____ No _____

SECTION 3: SUBMISSION OF THE STATE PLAN AND ITS SUPPLEMENT

3.1 Submittal of the State plan, its supplement, and revisions to the plan. (Sections 101(a) and 635(a) of the Act; 34 CFR 76.104, .140, .141, and .142; 34 CFR 361.10 and 363.10)

The State submits this State plan and its supplement to the Secretary for approval covering a three-year period (unless the Secretary has determined a different period

under 34 CFR 361.10(e)) and within the timeframes described in 34 CFR 361.10(f). The State submits revisions to the State plan and its supplement in accordance with the requirements of 34 CFR 361.10(g).

3.2 Consolidated plans. (Section 6 of the Act; 34 CFR 361.10(c))

This State plan is a consolidated plan that includes the State plans for the vocational rehabilitation program and the developmental disabilities program.

Yes _____ No _____

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3.3 Supported employment plan. (Sections 101(a)(25) and 635(a) of the Act; 34 CFR 361.34(a))

The State has an acceptable plan under 34 CFR Part 363 that provides for the use of funds under that part to supplement funds under 34 CFR Part 361 for the cost of services leading to supported employment.

3.4 Strategic plan. (Sections 101(a)(34), 120 and 122 of the Act; 34 CFR 361.35, 70 and 71)

- (a) The State has a three-year strategic plan to expand and improve vocational rehabilitation services, including supported employment services, for individuals with disabilities on a statewide basis in accordance with Subpart D of 34 CFR Part 361.
- (b) The State uses at least 1.5 percent of its allotment under 34 CFR 361.65 for expansion and improvement activities in accordance with 34 CFR 361.73(b).
- (c) The State submits its strategic plan to the Rehabilitation Services Administration at the same time it submits the State plan and supplement.

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SECTION 4: ADMINISTRATION OF THE STATE PLAN

4.1 Designated State agency and designated State unit. (Sections 101(a)(1) and (2) of the Act; 34 CFR 361.13)

(a) Designated State agency.

There is a State agency designated as the sole State agency to administer the State plan, or to supervise its administration in a political subdivision of the State by a sole local agency, in accordance with the requirements in 34 CFR 361.13(a).

The designated State agency is:

- (1) _____ A State agency that is an independent State commission, board, or other agency that has as its major function vocational rehabilitation or vocational and other rehabilitation of individuals with disabilities, or, as appropriate, individuals who are blind.
- (2) _____ The State agency administering or supervising the administration of education or vocational education in the State and which has a designated vocational rehabilitation unit as provided in 34 CFR 361.13(b) and paragraph (b) of this section of the State plan.
- (3) _____ A State agency that has a designated vocational rehabilitation unit, as provided in 34 CFR 361.13(b) and paragraph (b) of this section of the State plan, and at least two other major organizational units, each of which administers one or more of the State's major programs of public education, public health, public welfare, or labor.

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- (4) _____ For American Samoa, the Governor.
- (5) _____ A State commission or other agency that provides assistance or services to individuals who are blind and which is authorized under State law to provide vocational rehabilitation services to individuals who are blind and since it is not primarily concerned with vocational rehabilitation, it includes a designated State vocational rehabilitation unit as provided in 34 CFR 361.13(b) and paragraph (b) of this section of the State plan.

(b) Designated State unit.

If the designated State agency is of the type identified in either (a)(2) or (a)(3) of this section, or if the designated State agency for individuals who are blind is of the type identified in (a)(5) of this section and does not have as its major function vocational rehabilitation or vocational and other rehabilitation of individuals with disabilities, the State agency includes a vocational rehabilitation bureau, division, or unit that:

- (1) is primarily concerned with vocational rehabilitation or vocational and other rehabilitation of individuals with disabilities and is responsible for the administration of the State agency's vocational rehabilitation program under the State plan, including those responsibilities specified in paragraph (5) of this subsection;
- (2) has a full-time director;
- (3) has a staff, at least 90 percent of whom are employed full time on the rehabilitation work of the organizational unit;

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- (4) is located at an organizational level and has an organizational status within the designated State agency comparable to that of other major organizational units of the agency or, in the case of an agency described in paragraph (a)(2) of this section, is so located and has that status or has a director who is the executive officer of the designated State agency; and
- (5) at a minimum, has the following responsibilities that cannot be delegated to any other agency or individual:
 - (A) all decisions affecting eligibility for vocational rehabilitation services, the nature and scope of available services, and the provision of services;
 - (B) the determination that an individual has achieved an employment outcome consistent with the provisions of 34 CFR 361.56 and paragraph 6.15 of this State plan;
 - (C) policy formulation and implementation; and
 - (D) allocation and expenditure of vocational rehabilitation funds.

4.2 Independent commission or state rehabilitation advisory council. (Sections 101(a)(36) and 105 of the Act; 34 CFR 361.16 and .17)

The State plan must contain one of the following two assurances.

(a)_____ The designated State agency is an independent consumer-controlled State commission that is primarily concerned with vocational rehabilitation or vocational and other rehabilitation and complies with the requirements in 34 CFR 361.16(a)(1)

or

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(b) _____ The State has established a State Rehabilitation Advisory Council that meets the requirements of 34 CFR 361.17 and the designated State unit:

- (1) seeks and seriously considers, on a regular and ongoing basis, advice from the Council regarding the development, implementation, and amendment of the State plan and its supplement, the strategic plan, and other policies and procedures of general applicability pertaining to the provision of vocational rehabilitation services in the State; and
- (2) transmits to the Council:
 - (A) all plans, reports, and other information required under the Act to be submitted to the Secretary;
 - (B) copies of all written policies, practices, and procedures of general applicability provided to or used by rehabilitation personnel; and
 - (C) copies of due process hearing decisions in a manner that preserves the confidentiality of the participants in the hearings.

4.3 Consultations regarding the administration of the State plan. (Section 101(a)(18) of the Act; 34 CFR 361.21(a))

In connection with matters of general policy development and implementation arising in the administration of the State plan, the State unit seeks and takes into account the views of:

- (a) individuals who receive vocational rehabilitation services or, as appropriate, the individuals' representatives;
- (b) personnel working in the field of vocational rehabilitation;

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- (c) providers of vocational rehabilitation services;
- (d) the Client Assistance Program director; and
- (e) the State Rehabilitation Advisory Council, if the State unit has a Council.

4.4 Views on State policies and administration of the State plan. (Sections 101(a)(32), (36)(ii) and (iii) of the Act; 34 CFR 361.16(a)(2)(iv), .20(a)(3) and .21(b))

Attachment 4.4 describes how the State unit takes into consideration the views regarding State policy and administration of the State plan that are expressed in the consumer satisfaction surveys conducted by the State Rehabilitation Advisory Council or by the State agency if it is a consumer-controlled independent commission that meets the requirements of 34 CFR 361.16(a)(1).

(a) If the State unit has a State Rehabilitation Advisory Council, Attachment 4.4 also summarizes annually the:

- (1) advice provided by the Council, including recommendations from the annual report of the Council and other reports prepared by the Council;
- (2) State agency's response to the advice and recommendations, including the manner in which the State has modified its policies and procedures based on the survey of consumer satisfaction; and
- (3) reasons for rejecting any advice or recommendations of the Council.

(b) If the designated State agency is an independent consumer-controlled commission that meets the requirements of 34 CFR 361.16(a)(1), Attachment 4.4 also describes how the agency has modified its policies and procedures based on the results of the consumer satisfaction surveys.

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4.5 Local administration. (Section 101(a)(1)(A) of the Act; 34 CFR 361.15)

If the State plan provides for local administration, each local agency is under the supervision of the designated State unit and is the sole local agency responsible for the administration of the program within the political subdivision that it serves.

This State plan provides for local administration.

Yes _____ No _____

IF YES, Attachment 4.5 identifies each local agency and describes the methods each local agency uses to administer the vocational rehabilitation program in accordance with the State plan.

4.6 Statewideness and waivers of statewideness. (Sections 101(a)(1)(A) and (4) of the Act; 34 CFR 361.25 and .26)

- (a) Services provided under the State plan are available in all political subdivisions of the State.

YES _____ NO _____

- (b) The State unit provides services in one or more political subdivisions of the State that increase services or expand the scope of services that are available statewide under the State plan and the:

- (1) non-Federal share of the cost of these services is met from funds provided by a local public agency, including funds contributed to a local public agency by a private agency, organization, or individual; and

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- (2) services are likely to promote the vocational rehabilitation of substantially larger numbers of individuals with disabilities or of individuals with disabilities with particular types of impairments.

Yes _____ No _____

IF YES, Attachment 4.6(b) requests a waiver of statewideness in accordance with the requirements in 34 CFR 361.26(b).

4.7 Shared funding and administration of joint programs. (Section 101(a)(1)(A) of the Act; 34 CFR 361.27)

The State unit is carrying out a joint program involving shared funding and administrative responsibility with another State agency or a local public agency to provide services to individuals with disabilities.

Yes _____ No _____

(a) IF YES, Attachment 4.7(a) describes the:

- (1) nature and scope of the joint program;
- (2) services to be provided;
- (3) respective roles of each participating agency in the provision of services and their administration; and
- (4) share of the costs to be assumed by each agency.

(b) If the joint program provides services in one or more political subdivisions of the State that increase services or expand the scope of services available under

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the State plan, the State requests a waiver of statewideness in accordance with the provisions of 34 CFR 361.26 and paragraph 6 of this section.

4.8 Third-party cooperative arrangements involving funds from other public agencies
(Section 101(a)(1)(A); 34 CFR 361.28)

The designated State unit has entered into a third-party cooperative arrangement for providing or administering vocational rehabilitation services with another State agency or a local public agency that is furnishing part or all of the non-Federal share.

Yes _____ No _____

(a) IF YES:

- (1) The services provided by the cooperating agency are not the customary or typical services provided by that agency but are new services that have a vocational rehabilitation focus or are existing services that have been modified, adapted, expanded, or reconfigured to have a vocational rehabilitation focus.
- (2) The services provided by the cooperating agency are only available to applicants for, or recipients of, services from the designated State unit.
- (3) Program expenditures and staff providing services under the cooperative arrangement are under the administrative supervision of the designated State unit.
- (4) All State plan requirements, including the State's order of selection, if an order is in effect, will apply to all services provided under the cooperative program.

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- (b) If the third-party cooperative program provides services in one or more political subdivisions of the State that increase services or expand the scope of services available under the State plan, the State requests a waiver of statewideness in accordance with the provisions of 34 CFR 361.26 and paragraph 6 of this section.

4.9 Formal cooperative agreements and arrangements. (Sections 101(a)(11), (22), (24), (30), and (33) of the Act; 34 CFR 361.22, .23, and .24)

- (a) The State unit enters into formal interagency agreements meeting the requirements in 34 CFR 361.22(a)(2) with the State education agency and, as appropriate, with local education agencies, that are responsible for the free appropriate public education of students who are receiving special education services.
- (b) **Attachment 4.9(b)** contains the plans, policies, and procedures to:
 - (1) facilitate the transition of students who are receiving special education services from the provision of a free appropriate public education under the responsibility of an educational agency to the provision of vocational rehabilitation services under the responsibility of the designated State unit; and
 - (2) ensure outreach to and identification of students with disabilities who are not receiving special education services and to ensure their access to and receipt of vocational rehabilitation services, if appropriate.
- (c) There are specific arrangements or agreements for the coordination of services for any individual who is eligible for vocational rehabilitation services and is also eligible for services under the Carl D. Perkins Vocational and Applied Technology Education Act or the Javits-Wagner-O'Day Act.

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- (d) The State unit cooperates with other Federal, State, and local public agencies providing services related to the rehabilitation of individuals with disabilities.
- (e) In those States in which there is a separate designated State unit for individuals who are blind and also a designated State unit for all other individuals with disabilities, the two State units:
 - (1) have established reciprocal referral services;
 - (2) use each other's services and facilities to the extent feasible;
 - (3) jointly plan activities to improve services in the State for individuals with multiple impairments, including visual impairments; and
 - (4) otherwise cooperate to provide more effective services, including, if appropriate, entering into a written cooperative agreement.
- (f) The State unit has established and coordinates working relationships with the Statewide Independent Living Council established under 34 CFR Part 364 and with independent living centers within the State.

4.10 Methods of administration. (Section 101(a)(6) of the Act; 34 CFR 361.12)

The State agency, and the designated State unit if applicable, employs methods of administration found necessary by the Secretary for the proper and efficient administration of the plan and for carrying out all functions for which the State is responsible under the State plan and 34 CFR Part 361, including procedures to ensure accurate data collection and financial accountability.

4.11 Comprehensive system of personnel development. (Sections 101(a)(6)(A), (7), and (35) of the Act; 34 CFR 361.18 and .19)

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- (a) The designated State agency has implemented a comprehensive system of personnel development that meets the requirements of 34 CFR 361.18.
- (b) **Attachment 4.11(b)** describes the State's procedures and activities for the establishment and maintenance of a comprehensive system of personnel development to ensure an adequate supply of qualified professionals and paraprofessionals for the designated State unit.

This description reflects the requirements of 34 CFR 361.18 with respect to:

- (1) collecting and analyzing on an annual basis data on qualified personnel needs and personnel development;
- (2) developing, updating, and implementing a plan to address current and projected needs for qualified personnel;
- (3) establishing and maintaining standards to ensure that professional and paraprofessional personnel are appropriately and adequately prepared and trained;
- (4) ensuring that all designated State unit personnel receive appropriate and adequate training, including a description of a system of staff development, particularly relating to:
 - (A) rehabilitation technology;
 - (B) procedures to acquire and disseminate significant knowledge from research and other sources; and
 - (C) the Rehabilitation Act Amendments of 1992.

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- (5) addressing, through agency staff and/or by obtaining the services of others able to communicate in appropriate modes of communication or in native languages, the individual communication needs of applicants for and recipients of services;
- (6) evaluating the performance of rehabilitation counselors, coordinators, and other personnel within the context of the purpose of the vocational rehabilitation program and the policy of serving individuals with the most severe disabilities; and
- (7) coordinating the designated State unit's comprehensive system of personnel development with personnel development under the Individuals with Disabilities Education Act.

- (c) The designated State agency takes affirmative action to employ and advance in employment qualified individuals with disabilities.

4.12 Statewide studies and evaluations. (Sections 101(a)(5)(A) and (B), (9)(D), (15)(A), (C) and (D), (19), 105(c)(2) and 635(b)(2) of the Act; 34 CFR 361.29 and 363.11(b))

- (a) The State unit seeks the advice of the State Rehabilitation Advisory Council, if the State unit has a Council, regarding the continuing statewide studies and the annual evaluation identified in (b) and (c) of this section and, at the discretion of the State agency, seeks assistance from the Council in the preparation and analysis of the studies and evaluation.
- (b) The State unit conducts continuing statewide studies to determine the current needs of individuals with disabilities within the State and the best methods to meet those needs.

As part of the development of the State plan, the continuing statewide studies, at a minimum, include:

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- (1) a triennial comprehensive assessment of the rehabilitation needs of individuals with severe disabilities who reside in the State, including the need for supported employment services;
 - (2) a triennial review of the effectiveness of outreach procedures used to identify and serve individuals with disabilities who are minorities and individuals with disabilities who are unserved and underserved by the vocational rehabilitation system; and
 - (3) a triennial review of a broad variety of methods to provide, expand, and improve vocational rehabilitation services to individuals with the most severe disabilities, including individuals receiving supported employment services under 34 CFR Part 363.
- (c) The State unit conducts an annual evaluation of the effectiveness of the State's vocational rehabilitation program in providing vocational rehabilitation and supported employment services, especially to individuals with the most severe disabilities.
- The annual evaluation analyzes the extent to which:
- (1) the State has achieved the goals and priorities established in the State plan and annual amendments to the plan; and
 - (2) the State is in compliance with the evaluation standards and performance indicators established by the Secretary, pursuant to section 106 of the Act.
- (d) **Attachment 4.12(d)** describes on an annual basis the:

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- (1) changes that have been adopted in policy, in the State plan and its amendments, and in the strategic plan and its amendments as a result of the statewide studies and the annual program evaluation;
 - (2) methods to expand and improve vocational rehabilitation services to individuals with the most severe disabilities, including the State unit's criteria for determining which individuals are individuals with the most severe disabilities; and
 - (3) analysis of the characteristics of individuals determined to be ineligible for services and the reasons for the ineligibility determinations.
- (e) The designated State unit maintains copies of the statewide studies and the annual evaluations and makes them available to the Secretary upon request.

4.13 State-imposed requirements. (Section 17 of the Act; 34 CFR 361.39)

The designated State unit identifies upon request those regulations and policies relating to the administration or operation of its vocational rehabilitation program that are State-imposed, including any regulations or policy based on State interpretation of any Federal law, regulations, or guidelines.

4.14 Protection, use, and release of personal information. (Sections 12(c) and 101(a)(6)(A) of the Act; 34 CFR 361.38)

The designated State agency and the designated State unit have policies and procedures that are consistent with the provisions in 34 CFR 361.38 to safeguard the confidentiality of all personal information, including photographs and lists of names.

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4.15 Review of rehabilitation counselor or coordinator determinations. (Section 102(d) of the Act; 34 CFR 361.57)

Attachment 4.15 contains the procedures, including the standards of review related to the decision of the director of the designated State unit to review any decision of the impartial hearing officer, established by the director of the designated State unit in accordance with the provisions of 34 CFR 361.57 to ensure that any applicant or eligible individual who is dissatisfied with any determinations made by a rehabilitation counselor or coordinator concerning the furnishing or denial of services may request, or if appropriate may request through the individual's representative, a timely review of those determinations.

4.16 Reports. (Section 101(a)(10) of the Act; 34 CFR 361.40)

The State unit submits reports in the form and detail and at the time required by the Secretary and complies with any requirements necessary to ensure the correctness and verification of those reports.

SECTION 5: SCOPE OF THE STATE VOCATIONAL REHABILITATION SERVICES PROGRAM

5.1 Scope of vocational rehabilitation services for individuals with disabilities. (Section 103(a) of the Act; 34 CFR 361.48(a))

(a) As appropriate to the vocational rehabilitation needs of each individual and consistent with each individual's informed choice, the designated State unit provides the following vocational rehabilitation services:

- (1) assessment for determining eligibility and priority for services;
- (2) assessment for determining vocational rehabilitation needs;
- (3) vocational rehabilitation counseling and guidance;

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- (4) referral and other services to help applicants and eligible individuals secure needed services from other agencies and to advise those individuals about client assistance programs established under 34 CFR Part 370;
- (5) physical and mental restoration services;
- (6) vocational and other training services, including personal and vocational adjustment training, books, tools, and other training materials, except that no training may be paid for with title I funds unless the individual and the designated State unit make maximum efforts to secure grant assistance from other sources to pay in whole or in part for the training;
- (7) maintenance;
- (8) transportation in connection with the rendering of any vocational rehabilitation service;
- (9) vocational rehabilitation services to family members if necessary to enable the individual to achieve an employment outcome;
- (10) interpreter services for individuals who are deaf and tactile interpreting services for individuals who are deaf-blind;
- (11) reader services, rehabilitation teaching services, and orientation and mobility services for individuals who are blind;
- (12) recruitment and training services to provide new employment opportunities in the fields of rehabilitation, health, welfare, public safety, law enforcement, and other appropriate public service employment;

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- (13) job search and placement assistance and job retention services;
 - (14) supported employment services;
 - (15) personal assistance services;
 - (16) post-employment services;
 - (17) occupational licenses, tools, equipment, initial stocks, and supplies;
 - (18) rehabilitation technology, including vehicular modification, telecommunications, sensory, and other technological aids and devices;
 - (19) transition services; and
 - (20) other goods and services determined necessary for the individual with a disability to achieve an employment outcome.
- (b) **Rehabilitation technology services.** (Section 101(a)(5)(C) and (31) of the Act; 34 CFR 361.48(b)(1), (2) and (3))

Attachment 5.1(b) describes:

- (1) the manner in which a broad range of rehabilitation technology services are provided at each stage of the rehabilitation process and on a statewide basis;
- (2) the training that is provided to vocational rehabilitation counselors, client assistance personnel, and other related services personnel on the provision of rehabilitation technology services; and

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(3) the manner in which assistive technology devices and services are provided, or worksite assessments are made, as part of the assessment to determine the eligibility and vocational rehabilitation needs of the individual.

(c) **Personal assistance services.** (Section 101(a)(26) of the Act; 34 CFR 361.48(b)(4))

Attachment 5.1(c) describes the manner in which on-the-job and other related personal assistance services are provided to assist individuals while they are receiving vocational rehabilitation services.

5.2 Written policies governing the provision of services to individuals with disabilities. (Sections 12(c), (e)(2)(A), and 101(a)(6) of the Act; 34 CFR 361.50)

(a) The State unit has written policies covering the nature and scope of each of the vocational rehabilitation services specified in 34 CFR 361.48(a) and section 5.1(a) of the State plan and covering the criteria under which each service is provided.

(b) The policies are consistent with the provisions in 34 CFR 361.50 and:

(1) ensure that the provision of services is based on the rehabilitation needs of each individual as identified in that individual's individualized written rehabilitation program; and

(2) do not establish any arbitrary limits on the nature and scope of services to be provided to the individual to achieve an employment outcome.

5.3 Opportunity to make informed choices regarding the selection of services and providers. (Sections 12(e)(1), (2)(C) and (F), and 101(a)(29) of the Act; 34 CFR 361.52)

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Attachment 5.3 describes how applicants, including those receiving extended evaluation services, and eligible individuals exercise informed choices throughout the vocational rehabilitation process consistent with the provisions of 34 CFR 361.52 and the following requirements.

- (a) The designated State unit, in consultation with its State Rehabilitation Advisory Council, if it has a Council, has written policies and procedures pertaining to the exercise of informed choice by the individual with regard to the selection of a long-term vocational goal, intermediate rehabilitation objectives, vocational rehabilitation services, including assessment services, and service providers.
- (b) State unit policies and procedures ensure that each individual receives, through appropriate modes of communication, information on the:
 - (1) availability and scope of informed choice;
 - (2) manner in which informed choice can be exercised; and
 - (3) availability of support services for individuals with cognitive or other disabilities who require assistance in exercising informed choice.
- (c) In developing an individual's individualized written rehabilitation program, the State unit provides the individual, or assists the individual in acquiring, information necessary to make an informed choice about the specific services, including the providers of those services, that are needed to achieve the individual's vocational goal.

This information includes, at a minimum, information relating to the:

- (1) cost, accessibility, and duration of potential services;

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- (2) level of consumer satisfaction with those services to the extent that such information is available;
- (3) qualifications of potential service providers;
- (4) types of services offered by those providers; and
- (5) degree to which services are provided in integrated settings.

5.4 Services to special groups of individuals with disabilities. (Sections 7, 101(a)(13), (20) and 130(b)(3) of the Act; 34 CFR 361.30)

(a) Civil employees of the United States Government.

Vocational rehabilitation services are available to civil employees of the United States Government who are disabled in the line of duty, under the same terms and conditions applied to other individuals with disabilities.

(b) Public safety officers.

Special consideration (as defined in 34 CFR 361.30(b)(2)) is provided to those individuals with disabilities whose disability arose from an impairment sustained in the line of duty while performing as a public safety officer (as defined in 34 CFR 361.30(b)(4)) and the immediate cause of that impairment was a criminal act (as defined in 34 CFR 361.30(b)(3)), apparent criminal act, or a hazardous condition resulting directly from the officer's performance of duties in direct connection with the enforcement, execution, and administration of law or fire prevention, firefighting, or related public safety activities.

(c) American Indians.

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- (1) Vocational rehabilitation services are provided to American Indians with disabilities residing in the State to the same extent that these services are provided to other significant groups of individuals with disabilities residing in the State.
- (2) The designated State unit also provides vocational rehabilitation services, including, as appropriate, services traditionally used by Indian tribes, to American Indians with disabilities who reside on reservations and are eligible for services by a special tribal program under 34 CFR Part 371.

5.5 Scope of vocational rehabilitation services to groups of individuals with disabilities. (Sections 101(a)(15)(B), (17), (28) and 103(b) of the Act; 34 CFR 361.33 and .49)

- (a) The State plan provides for the following optional vocational rehabilitation services for the benefit of groups of individuals with disabilities.
 - (1) _____ The establishment, development, or improvement of a public or other nonprofit community rehabilitation program that is used to provide services that promote integration and competitive employment, including under special circumstances, the construction of a facility for a public or nonprofit community rehabilitation program.
 - (2) _____ Telecommunications systems that have the potential for substantially improving vocational rehabilitation service delivery methods and developing appropriate programming to meet the particular needs of individuals with disabilities, including telephone, television, video description services, satellite, tactile-vibratory devices, and similar systems.
 - (3) _____ Special services to provide recorded material for individuals who are blind, captioned television, video description services, films or video

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cassettes for individuals who are deaf, tactile materials for individuals who are deaf-blind, and other special services that provide information through tactile, vibratory, auditory, and visual media.

- (4) _____ Technical assistance and support services, such as job site modification and other reasonable accommodations, to businesses that are not subject to Title I of the Americans with Disabilities Act of 1990 and that are seeking to employ individuals with disabilities.
- (5) _____ Small business enterprises operated by individuals with the most severe disabilities under the supervision of the State unit, including the provision of management services and supervision, initial stocks and supplies, and initial operating expenses in accordance with the requirements in 34 CFR 361.49(a)(5).
 - (A) If the State unit provides small business enterprise services, only individuals with the most severe disabilities are selected to participate in this supervised program.
 - (B) If the State unit sets aside funds from the proceeds of the operation of the small business enterprises, it has a description of the methods used in setting aside funds and the purposes for which funds are set aside.
 - (C) Under its small business enterprises, the State unit provides:
 - (i) _____ only the Randolph-Sheppard Vending Facility Program;
 - (ii) _____ only a program other than the Randolph-Sheppard Vending Facility Program;

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(iii) _____ both the Randolph-Sheppard Vending Facility Program and another program.

- (6) _____ Other services that promise to contribute substantially to the rehabilitation of a group of individuals but that are not related directly to the individualized written rehabilitation program of any one individual.
- (b) If the State plan provides for the establishment, development, or improvement of a public or nonprofit community rehabilitation program in paragraph (a)(1) of this section, **Attachment 5.5(b)** describes the need to establish, develop, or improve, as appropriate, the community rehabilitation program to provide vocational rehabilitation services to applicants or eligible individuals, based on the findings from the assessment of the capacity and effectiveness of community rehabilitation programs, including programs under the Javits-Wagner-O'Day Act, resulting from the use of those programs and on the plans of the agency to improve community rehabilitation programs.
- (c) If the State plan provides for any of these services, the designated State unit has:
- (1) written policies covering the nature and scope of each of the vocational rehabilitation services it provides and the criteria under which each service is provided; and
 - (2) information to ensure the proper and efficient administration of those services in the form and detail and at the time required by the Secretary, including:
 - (A) the types of services provided;
 - (B) the costs of those services; and

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(C) to the extent feasible, estimates of the numbers of individuals benefitting from those services.

5.6 Written standards for facilities and providers of services. (Sections 12(e)(2)(B), (D), and (E) and 101(a)(6)(B) of the Act; 34 CFR 361.51)

- (a) The designated State unit has, makes available to the public, and implements written minimum standards for the various types of facilities and providers of services the State unit uses in providing vocational rehabilitation services.
- (b) These standards are consistent with the requirements of 34 CFR 361.51 pertaining to the accessibility of facilities, personnel standards, and the prevention of fraud, waste, and abuse.

SECTION 6: ADMINISTRATION OF THE PROVISION OF VOCATIONAL REHABILITATION SERVICES

6.1 Record of services. (Sections 101(a)(6) and (9) of the Act; 34 CFR 361.47)

The designated State unit maintains for each applicant or eligible individual a record of services that satisfies, to the extent appropriate, the documentation requirements in 34 CFR 361.47.

6.2 Utilization of community resources. (Section 101(a)(12)(A) of the Act; 34 CFR 361.31)

In providing vocational rehabilitation services, the designated State unit uses public or other vocational or technical training programs or other appropriate community resources to the maximum extent feasible.

6.3 Utilization of profitmaking organizations. (Section 101(a)(21) of the Act; 34 CFR 361.32)

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The designated State unit has the authority to enter into contracts with profitmaking organizations for the purpose of providing on-the-job training and related programs for individuals with disabilities under the Projects With Industry program, 34 CFR Part 379, if it has been determined that such organizations are better qualified to provide needed services than nonprofit agencies, organizations, or programs in the State.

6.4 Utilization of community rehabilitation programs. (Sections 101(a)(5)(A), 101(a)(12)(B), 101(a)(15)(B), 101(a)(27), 101(a)(28) and 103(b)(2) of the Act; 34 CFR 361.33)

Attachment 6.4 provides a description meeting the requirements of 34 CFR 361.33(a) as to how the designated State unit uses community rehabilitation programs to the maximum extent feasible to provide vocational rehabilitation services in the most integrated settings possible, consistent with the informed choices of the individuals.

6.5 Referrals and applications. (Sections 101(a)(6)(A) and 102(a)(5)(A) of the Act; 34 CFR 361.41)

- (a) The designated State unit has standards for the prompt and equitable handling of referrals of individuals for vocational rehabilitation services. These standards include timelines for making good faith efforts to inform individuals of application requirements and to gather information necessary to initiate an assessment to determine eligibility and priority of services.
- (b) Once an individual has submitted an application for vocational rehabilitation services, an eligibility determination is made within 60 days, unless:
 - (1) exceptional and unforeseen circumstances beyond the control of the agency preclude a determination within 60 days and the agency and the individual agree to a specific extension of time; or

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(2) an extended evaluation is necessary.

6.6 Information and referral programs. (Section 101(a)(22) of the Act; 34 CFR 361.37)

(a) The designated State unit:

- (1) has information and referral programs adequate to ensure that individuals with disabilities within the State are given accurate information about State vocational rehabilitation services, independent living services, vocational rehabilitation services available from other agencies, organizations, and community rehabilitation programs, and, to the extent possible, other Federal and State services and programs that assist individuals with disabilities, including client assistance and other protection and advocacy programs;
- (2) refers individuals with disabilities to other appropriate Federal and State programs that might be of benefit to them;
- (3) uses existing information and referral systems in the State to the greatest extent possible; and
- (4) uses appropriate modes of communication in its information and referral programs.

(b) The designated State unit is operating under an order of selection for services and elects to establish an expanded information and referral program that includes counseling, guidance, and referral for job placements for those eligible individuals who are not in the priority category or categories to receive vocational rehabilitation services under the State's order of selection.

Yes _____ No _____

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IF YES:

- (1) funds needed to provide services under an individualized written rehabilitation program for eligible individuals in the open priority category or categories of the order, or other eligible individuals who have begun to receive services under an individualized written rehabilitation program prior to the effective date of the order are not used to support the expanded information and referral program; and
- (2) **Attachment 6.6(b)(2)** describes:
 - (A) how the expanded information and referral program will be established and function;
 - (B) the level of commitment of State unit staff and resources to administer the program; and
 - (C) if the designated State unit chooses to track individuals who obtain employment through the expanded information and referral program, the number of individuals served and the number of individuals who achieve employment outcomes through the program.

6.7 Ability to serve all eligible individuals; order of selection for services.

(Sections 12(d) and 101(a)(5)(A) of the Act; 34 CFR 361.36)

- (a) The designated State unit is able to provide the full range of services listed in 34 CFR 361.48(a) and paragraph 5.1(a) of the State plan, as appropriate, to all eligible individuals.

Yes _____ No _____

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(b) **IF YES**, Attachment 6.7(b) contains an explanation that satisfies the requirements of 34 CFR 361.36(a)(2) or (3) and describes how, on the basis of the designated State unit's projected fiscal and personnel resources and its assessment of the rehabilitation needs of individuals with severe disabilities within the State, it will:

- (1) continue to provide services to all individuals currently receiving services;
- (2) provide assessment services to all individuals expected to apply for services in the next fiscal year;
- (3) provide services to all individuals who are expected to be determined eligible in the next fiscal year; and
- (4) meet all program requirements.

(c) **IF NO**:

- (1) Individuals with the most severe disabilities are selected for services before other individuals with disabilities.
- (2) Attachment 6.7(c)(2) contains:
 - (A) the order to be followed in selecting eligible individuals to be provided services;
 - (B) a justification of that order of selection; and
 - (C) a description of the:

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- (i) outcome and service goals to be achieved for individuals with disabilities in each category within the order;
- (ii) time within which these goals may be achieved; and
- (iii) service costs.

6.8 Assessment for determining eligibility and priority for services. (Sections 7(22)(A)(ii), (C)(iii), 101(a)(9)(A), (14), (31), and 102 of the Act; 34 CFR 361.42)

- (a) To determine whether an individual is eligible for vocational rehabilitation services and the individual's priority under an order of selection for services, if the State is operating under an order of selection, the designated State unit conducts an assessment in the most integrated setting possible consistent with the individual's needs and informed choice.
- (b) The State unit's determination of an applicant's eligibility for vocational rehabilitation services is based only on the following requirements.
 - (1) A determination that the applicant has a physical or mental impairment.
 - (2) A determination that the applicant's physical or mental impairment constitutes or results in a substantial impediment to employment for the applicant.
 - (3) A presumption, in accordance with 34 CFR 361.42(a)(2) and paragraph (c) of this section of the State plan, that the applicant can benefit in terms of an employment outcome from the provision of vocational rehabilitation services.
 - (4) A determination that the applicant requires vocational rehabilitation services to prepare for, enter into, engage in, or retain gainful

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employment consistent with the applicant's strengths, resources, priorities, concerns, abilities, capabilities, and informed choice.

- (c) The designated State unit presumes that an applicant who meets the eligibility requirements in paragraphs (b)(1) and (b)(2) of this section can benefit in terms of an employment outcome unless it demonstrates, based on clear and convincing evidence, that the applicant is incapable of benefitting in terms of an employment outcome from vocational rehabilitation services.
- (d) If an applicant has appropriate evidence, such as an award letter, that establishes the applicant's eligibility for Social Security benefits under Title II or Title XVI of the Social Security Act, the designated State unit presumes that the applicant:
 - (1) meets the eligibility requirements in paragraphs (b)(1) and (2) of this section; and
 - (2) has a severe physical or mental impairment that seriously limits one or more functional capacities in terms of an employment outcome.
- (e) In the application of the eligibility criteria, the following requirements must be met.
 - (1) No duration of residence requirement is imposed that excludes from services any applicant who is present in the State.
 - (2) No applicant or group of applicants is excluded or found ineligible solely on the basis of the type of disability.
 - (3) The eligibility requirements are applied without regard to the age, gender, race, color, creed, or national origin of the applicant.

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- (4) The eligibility requirements are applied without regard to the particular service needs or anticipated cost of services required by an applicant or the income level of an applicant or applicant's family.

6.9 Procedures for ineligibility determination. (Sections 101(a)(9)(D), 102(a)(6), and (c) of the Act; 34 CFR 361.43)

If the State unit determines that an applicant is ineligible for vocational rehabilitation services or determines that an individual receiving services under an individualized written rehabilitation program is no longer eligible for services, the State unit:

- (a) makes the determination only after providing an opportunity for full consultation with the individual or, as appropriate, with the individual's representative;
- (b) informs the individual in writing, supplemented as necessary by other appropriate modes of communication consistent with the informed choice of the individual, of the ineligibility determination, including:
 - (1) the reasons for that determination;
 - (2) the requirements under this section; and
 - (3) the means by which the individual may express and seek remedy for any dissatisfaction, including the procedures for review of a determination by the rehabilitation counselor or coordinator in accordance with 34 CFR 361.57.
- (c) provides the individual with a description of services available from a client assistance program established under 34 CFR Part 370 and information on how to contact that program; and

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(d) reviews any ineligibility determination that is based on a finding that the individual is incapable of achieving an employment outcome within 12 months and annually thereafter if requested by the individual or, if appropriate, by the individual's representative, except when the:

- (1) individual has refused the review;
- (2) individual is no longer present in the State;
- (3) individual's whereabouts are unknown; or
- (4) individual's medical condition is rapidly progressive or terminal.

6.10 Closure without ineligibility determination. (Sections 12(c) and 101(a)(6)(A) of the Act; 34 CFR 361.44)

The State unit does not close an applicant's record of services prior to making an eligibility determination unless the:

- (a) applicant declines to participate in, or is unavailable to complete an assessment for determining eligibility and priority for services; and
- (b) State unit has made a reasonable number of attempts to contact the applicant or, if appropriate, the applicant's representative to encourage the applicant's participation.

6.11 Availability of comparable services and benefits. (Section 101(a)(8) of the Act; 34 CFR 361.53)

- (a) Prior to providing any vocational rehabilitation services to an eligible individual, or to members of the individual's family, except those services identified in paragraph (d) of this section, the State unit determines whether

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comparable services and benefits exist under any other program and whether those services and benefits are available to the individual.

- (b) If comparable services or benefits exist under any other program and are available to the eligible individual at the time needed to achieve the rehabilitation objectives in the individual's individualized written rehabilitation program, the State unit uses those comparable services or benefits to meet, in whole or in part, the cost of vocational rehabilitation services.
- (c) If comparable services or benefits exist under any other program, but are not available to the individual at the time needed to satisfy the rehabilitation objectives in the individual's individualized written rehabilitation program, the State unit provides vocational rehabilitation services until those comparable services and benefits become available.
- (d) The following services are exempt from a determination of the availability of comparable services and benefits:
 - (1) assessment for determining eligibility and priority for services;
 - (2) assessment for determining vocational rehabilitation needs;
 - (3) vocational rehabilitation counseling, guidance, and referral services;
 - (4) vocational and other training services, such as personal and vocational adjustment training, books, including alternative format books accessible by computer and taped texts, tools and other training materials in accordance with section 5.1(a)(6) of the State plan;
 - (5) placement services;

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- (6) rehabilitation technology; and
 - (7) post-employment services consisting of the services listed under paragraphs (1) through (6) of this subsection.
- (e) The requirements of paragraph (a) of this section also do not apply if:
- (1) the determination of the availability of comparable services and benefits under any other program would delay the provision of vocational rehabilitation services to any individual who is determined to be at extreme medical risk, based on medical evidence provided by an appropriate qualified medical professional; or
 - (2) an immediate job placement would be lost due to a delay in the provision of comparable services and benefits.

6.12 Participation of individuals in cost of services based on financial need. (Section 12(c) of the Act; 34 CFR 361.54)

- (a) No financial needs test is applied and no financial participation is required as a condition for furnishing the following vocational rehabilitation services:
- (1) assessment for determining eligibility and priority for services, except those non-assessment services that are provided during an extended evaluation for an individual with a severe disability;
 - (2) assessment for determining vocational rehabilitation needs;
 - (3) vocational rehabilitation counseling, guidance, and referral services; and
 - (4) placement services.

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- (b) The State unit considers the financial need of eligible individuals or individuals who are receiving services during an extended evaluation to determine the extent of their participation in the costs of vocational rehabilitation services.

Yes _____ No _____

(c) **IF YES:**

- (1) The State unit has written policies on the determination of financial need that are consistent with the provisions of 34 CFR 361.54 and:
- (A) are applied uniformly to all individuals in similar circumstances;
 - (B) ensure that the level of the individual's participation in the cost of vocational rehabilitation services is:
 - (i) reasonable;
 - (ii) based on the individual's financial need, including the consideration of any disability-related expenses paid by the individual; and
 - (iii) not so high as to effectively deny the individual a necessary service.
- (2) **Attachment 6.12(c)(2)** specifies those services for which the designated State unit has a financial needs test.

6.13 Development of the individualized written rehabilitation program. (Sections 7(22)(B), 102(b)(1)(A) and (b)(2); 34 CFR 361.45)

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- (a) The designated State unit conducts an assessment to determine the vocational rehabilitation needs for each eligible individual, including the need for supported employment services, or, if the State is operating under an order of selection, for each eligible individual to whom the State is able to provide services, for the purpose of identifying the long-term vocational goal, intermediate rehabilitation objectives, and the nature and scope of services to be included in the individualized written rehabilitation program of the individual.
- (b) The development of the individualized written rehabilitation program meets the following procedural requirements.
 - (1) The individualized written rehabilitation program is developed jointly, agreed to, and signed by the vocational rehabilitation counselor or coordinator and the individual or, as appropriate, the individual's representative within the framework of a counseling and guidance relationship.
 - (2) The State unit has established and implemented standards for the prompt development of individualized written rehabilitation programs for the individuals identified under paragraph (a) of this section, including timelines that take into consideration the needs of the individual.
 - (3) The State unit advises each individual or, as appropriate, the individual's representative of all State unit procedures and requirements affecting the development and review of an individualized written rehabilitation program, including the availability of appropriate modes of communication.
 - (4) In developing an individualized written rehabilitation program for a student with a disability who is receiving special education services, the State unit considers the student's individualized education program.

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- (5) The State unit reviews the individualized written rehabilitation program with the individual or, as appropriate, the individual's representative as often as necessary, but at least once each year to assess the individual's progress in meeting the objectives identified in the program.
- (6) The State unit incorporates into the individualized written rehabilitation program any revisions that are necessary to reflect changes in the individual's vocational goal, intermediate objectives, or vocational rehabilitation services, and obtains the agreement and signature of the individual or, as appropriate, of the individual's representative, to the revisions.
- (7) The State unit promptly provides each individual or, as appropriate, the individual's representative, a copy of the individualized written rehabilitation program and its amendments in the native language, or appropriate mode of communication, of the individual or, as appropriate, of the individual's representative.

6.14 Content of the individualized written rehabilitation program. (Sections 101(a)(9), (A), (B), (C), 102(b)(1), 102(c), and 635(b)(6) of the Act; 34 CFR 361.46 and 363.11(g)(3))

- (a) Each individualized written rehabilitation program includes, as appropriate, statements concerning:
 - (1) the specific long-term vocational goal which must be:
 - (A) based on the assessment for determining vocational rehabilitation needs, including the individual's career interests; and
 - (B) in an integrated setting to the extent appropriate and consistent with the individual's informed choice;

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- (2) the specific intermediate rehabilitation objectives related to the attainment of the long-term vocational goal based on the assessment for determining vocational rehabilitation needs and consistent with the informed choice of the individual;
- (3) the specific rehabilitation services to be provided to achieve the established intermediate rehabilitation objectives;
- (4) (A) the projected date for the initiation of each vocational rehabilitation service;
- (B) the anticipated duration of each service; and
- (C) the projected timeframe for achievement of the individual's long-term vocational goal;
- (5) a procedure and schedule for periodic review and evaluation of progress toward achieving intermediate rehabilitation objectives based upon objective criteria;
- (6) how, in the words of the individual or, as appropriate, in the words of the individual's representative, the individual was informed about and involved in choosing among alternative goals, objectives, services, providers, and methods used to procure or provide services;
- (7) the terms and conditions for the provision of vocational rehabilitation services, including:
 - (A) responsibilities of the individual in implementing the individualized written rehabilitation program;
 - (B) extent of the individual's participation in the cost of services;

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- (C) extent to which goods and services will be provided in the most integrated settings possible, consistent with the informed choice of the individual;
 - (D) extent to which comparable services and benefits are available to the individual under any other program; and
 - (E) entity or entities that will provide the services and the process used to provide or procure the services;
- (8) the rights of the individual under 34 CFR 361 and the means by which the individual may express and seek remedy for any dissatisfaction, including the opportunity for a review of rehabilitation counselor or coordinator determinations under 34 CFR 361.57;
 - (9) the availability of a client assistance program established under 34 CFR Part 370; and
 - (10) the basis on which the individual has been determined to have achieved an employment outcome consistent with the requirements of 34 CFR 361.56 and paragraph 6.15 of this section.
- (b) The individualized written rehabilitation program for individuals with the most severe disabilities for whom a vocational goal in a supported employment setting has been determined to be appropriate also contains a description of the:
- (1) supported employment services to be provided by the State unit; and
 - (2) extended services needed together with the identification of the source of such services or if the source of extended services is not known at the time of the development of the individualized written rehabilitation

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program, an explanation of the basis for concluding that there is a reasonable expectation that such services will become available.

- (c) The individualized written rehabilitation program for each individual contains statements concerning post-employment services with respect to:
 - (1) the expected need for such services;
 - (2) the reassessment of the need for post-employment services prior to the determination that the individual has achieved an employment outcome;
 - (3) terms and conditions for the provision of post-employment services, including the anticipated duration of the services, subsequent to the individual achieving an employment outcome; and
 - (4) if appropriate, how post-employment services will be provided or arranged through cooperative agreements with other service providers.
- (d) The individualized written rehabilitation program for a student with a disability who is receiving special education services is coordinated with the individualized education program for that individual in terms of the goals, objectives, and services identified in the individualized education program.
- (e) The decision that an individual is not capable of achieving an employment outcome and is no longer eligible to receive services under an individualized written rehabilitation program is made in accordance with the requirements in 34 CFR 361.43 and section 6.9 of the State plan.

6.15 Individuals determined to have achieved an employment outcome. (Sections 12(c), 101(a)(6), and 106(a)(2) of the Act; 34 CFR 361.56)

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An individual is determined to have achieved an employment outcome only if all of the following requirements are met:

- (a) the provision of services under the individual's individualized written rehabilitation program has contributed to the achievement of the employment outcome;
- (b) the employment outcome is consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice;
- (c) the employment outcome is in the most integrated setting possible, consistent with the individual's informed choice;
- (d) the individual has maintained the employment outcome for a period of at least 90 days; and
- (e) at the end of the appropriate period under subparagraph (d) of this section, the individual and the rehabilitation counselor or coordinator consider the employment outcome to be satisfactory and agree that the individual is performing well on the job.

6.16 Review of extended employment. (Section 101(a)(16) of the Act; 34 CFR 361.55)

The designated State unit:

- (a) reviews and re-evaluates at least annually the status of each individual who has achieved an employment outcome in an:
 - (1) extended employment setting in a community rehabilitation program; or
 - (2) other employment setting in which the individual is compensated in accordance with section 14(c) of the Fair Labor Standards Act;

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- (b) makes maximum effort, including the identification of vocational rehabilitation services, reasonable accommodations, and other support services, to enable the eligible individual to benefit from training in, or to be placed in employment in, an integrated setting; and
- (c) provides services designed to promote movement from extended employment to integrated employment, including supported employment, independent living, and community participation.

STATE PLAN SUPPLEMENT FOR THE STATE SUPPORTED EMPLOYMENT SERVICES PROGRAM

SECTION 7: PROGRAM ADMINISTRATION

7.1 Designated state unit. (Section 635(b)(1) of the Act; 34 CFR 363.11(a))

The designated State unit for vocational rehabilitation services identified in paragraph 1.3 of this plan is the State agency designated to administer the State Supported Employment Services Program authorized under title VI, part C of the Act.

7.2 Statewide assessment of supported employment services needs. (Section 635(b)(2) of the Act; 34 CFR 363.11(b))

Attachment 7.2 summarizes the results of the comprehensive, statewide needs assessment conducted under section 101(a)(5) of the Act and paragraph 4.12(b)(1) of the State plan with respect to the rehabilitation and career needs of individuals with severe disabilities and the need for supported employment services, including the needs related to the coordination and use of the information within the State relating to section 618(b)(1)(C) of the Individuals with Disabilities Education Act.

7.3 Description of the quality, scope, and extent of supported employment services. (Section 635(b)(3) of the Act; 34 CFR 363.11(c) and .50(b)(2))

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Attachment 7.3 describes the quality, scope, and extent of supported employment services to be provided to individuals with the most severe disabilities, including the timing of the transition to extended services.

7.4 Goals and plans for distribution of title VI, part C funds. (Section 635(b)(3) of the Act; 34 CFR 363.11(d) and .20)

Attachment 7.4 specifies the State's goals and plans with respect to the distribution of funds received under section 632 of the Act.

7.5 Evidence of collaboration with respect to supported employment services and extended services. (Sections 635(b)(4) and (5) of the Act; 34 CFR 363.11(e))

Attachment 7.5 demonstrates evidence of the efforts of the designated State unit to identify and make arrangements, including entering into cooperative agreements, with:

- (a) other State agencies and other appropriate entities to assist in the provision of supported employment services; and
- (b) other public or nonprofit agencies or organizations within the State, employers, natural supports, and other entities with respect to the provision of extended services.

7.6 Minority outreach. (34 CFR 363.11(f))

Attachment 7.6 describes the designated State unit's outreach procedures for identifying and serving individuals with the most severe disabilities who are minorities.

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7.7 Reports. (Sections 635(b)(8) and 636 of the Act; 34 CFR 363.11(h) and .52)

The designated State unit submits reports in such form and in accordance with such procedures as the Secretary may require and collects the information required by section 13 of the Act separately for individuals receiving supported employment services under part C of title VI and individuals receiving supported employment services under title I of the Act.

SECTION 8: FINANCIAL ADMINISTRATION**8.1 Five percent limitation on administrative costs.** (Section 635(b)(7) of the Act; 34 CFR 363.11(g)(8))

The designated State unit expends no more than five percent of the State's allotment under section 632 of the Act for administrative costs in carrying out the State Supported Employment Services Program.

8.2 Use of funds in providing services. (Sections 633 and 635(b)(6)(A) and (D) of the Act; 34 CFR 363.6(c)(2)(iv), .11(g)(1), and (4))

- (a) Funds made available under title VI, part C of the Act are only used by the designated State unit to provide supported employment services to individuals with the most severe disabilities who are eligible to receive such services.
- (b) Funds provided under title VI, part C are only used to supplement, and not supplant, the funds provided under title I of the Act, in providing supported employment services specified in an individual's individualized written rehabilitation program.

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- (c) Funds provided under part C of title VI, title I, or subsections (b) or (c) of section 311 of the Act are not used to provide extended services to individuals who are eligible under part C of title VI or title I of the Act.

SECTION 9: PROVISION OF SUPPORTED EMPLOYMENT SERVICES

9.1 Scope of supported employment services. (Sections 635(b)(6)(F) and (G) of the Act; 34 CFR 361.5(b)(46); 363.11(g)(6) and (7))

- (a) Supported employment services are those services as defined in 34 CFR 361.5(b)(46).
- (b) To the extent job skills training is provided, the training is provided on-site.
- (c) Supported employment services include placement in an integrated setting for the maximum number of hours possible based on the unique strengths, resources, interests, concerns, abilities, and capabilities of individuals with the most severe disabilities.

9.2 Comprehensive assessments of individuals with severe disabilities. (Section 634(3) and 635(b)(6)(B) of the Act; 34 CFR 363.11(g)(2))

The comprehensive assessment of individuals with severe disabilities conducted under 34 CFR 361.45(c) and paragraph 6.13(a) of this State plan and funded under title I of the Act includes consideration of supported employment as an appropriate rehabilitation objective.

9.3 Individualized written rehabilitation program. (Sections 635(b)(6)(C) and (E) of the Act; 34 CFR 363.11(g)(3) and (5))

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- (a) An individualized written rehabilitation program that meets the requirements of section 102 of the Act, 34 CFR 361.45 and .46, and paragraphs 6.13 and .14 of this State plan is developed and updated using funds under Title I.
- (b) The individualized written rehabilitation program:
 - (1) specifies the supported employment services to be provided;
 - (2) describes the expected extended services needed, including natural supports;
 - (3) identifies State, Federal, or private programs or other resources that will provide the extended services, including:
 - (A) a description of the basis for determining that extended services are available; or
 - (B) to the extent that it is not possible to identify the source of extended services at the time the individualized written rehabilitation program is developed, a statement describing the basis for concluding that there is a reasonable expectation that sources will become available; and
 - (4) provides for periodic monitoring to ensure that the individual is making satisfactory progress toward meeting the weekly work requirement established in the individualized written rehabilitation program by the time of transition to extended services.
- (c) Services provided under an individualized written rehabilitation program are coordinated with services provided under other individualized plans established under other Federal or State programs.

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ATTACHMENTS REQUIRED OF ALL AGENCIES

- Attachment 2.3:** Summary of Public Comments on the State Plan and Its Supplement and State Unit's Response to the Comments
- Attachment 4.4:** Views on State Policies and Administration of the State Plan
- Attachment 4.9(b):** Plans, Policies and Procedures Regarding the Transition to Vocational Rehabilitation Services of Students with Disabilities
- Attachment 4.11(b):** Procedures and Activities Regarding the Establishment and Maintenance of a Comprehensive System of Personnel Development
- Attachment 4.12(d):** Policy, State Plan and Strategic Plan Changes; Methods to Expand and Improve Services to Individuals with the Most Severe Disabilities; Analysis of the Characteristics of Individuals Determined to be Ineligible and the Reasons for Those Determinations
- Attachment 4.15:** Due Process Procedures
- Attachment 5.1(b):** Rehabilitation Technology Services
- Attachment 5.1(c):** Personal Assistance Services
- Attachment 5.3:** Policies and Procedures Relating to Choice
- Attachment 6.4:** Utilization of Community Rehabilitation Programs
- Attachment 7.2:** Summary of the Comprehensive, Statewide Needs Assessment of the Rehabilitation and Career Needs of Individuals with Severe Disabilities and the Need for Supported Employment Services

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- Attachment 7.3:** Quality, Scope, and Extent of Supported Employment Services
- Attachment 7.4:** Goals and Plans for Distribution of Title VI, Part C Funds
- Attachment 7.5:** Evidence of Collaboration Regarding Supported Employment Services and Extended Services
- Attachment 7.6:** Outreach Procedures for Identifying and Serving Individuals with the Most Severe Disabilities Who are Minorities

ATTACHMENTS CONTINGENT ON OPTIONS SELECTED

The following attachments identified by an "X" are also submitted as part of the State plan.

- ____ **Attachment 4.5:** Local Administration
- ____ **Attachment 4.6(b):** Request for Waiver of Statewideness
- ____ **Attachment 4.7(a):** Shared Funding and Administration of Joint Program
- ____ **Attachment 5.5(b):** Need to Establish, Develop, or Improve Community Rehabilitation Programs
- ____ **Attachment 6.6(b)(2):** Expanded Information and Referral Program for Agencies on an Order of Selection
- ____ **Attachment 6.7(b):** Explanation to Support the Decision Not to Establish an Order of Selection

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STATE _____ GENERAL _____ BLIND _____ COMBINED _____

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____ Attachment 6.7(c)(2): Order of Selection; Justification; and Outcome and Service Goals, Timeframes and Service Costs

____ Attachment 6.12(c)(2): Services Subject to Financial Needs Test

EFFECTIVE DATE: